

ADJOURNMENT

On motion of Senator Brooks, the Senate at 1:13 p.m. adjourned until 10:00 a.m. tomorrow.

SIXTY-FIRST DAY
(Wednesday, May 8, 1991)

The Senate met at 10:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Carriker, Dickson, Ellis, Glasgow, Green, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Johnson, Krier, Leedom, Lucio, Lyon, Moncrief, Montford, Parker, Ratliff, Rosson, Sibley, Sims, Tejeda, Truan, Turner, Whitmire, Zaffirini.

A quorum was announced present.

Pastor M. David Fetter, Abiding Love Lutheran Church, Austin, offered the invocation as follows:

Almighty God, we give You thanks for another day, for the challenges and opportunities which lay before us. Help us to see Your hand at work, serving us, in the many blessings we will receive today, including the rain. Help us to see where our hands need to be at work serving and blessing others with a portion of Your love. I thank You for each person in this room today. I ask You, dear Lord, to guide them, to inspire them, to comfort them, to help them in any time of need. Prosper the work of all who labor for a more peaceful and just world. Grant good health and favor to all who bear office in our land, especially to our President, George Bush, our Governor, Ann Richards, our Lieutenant Governor, Bob Bullock, and all those who make, administer and judge our laws. Help them to serve according to Your holy will. Let Your blessing rest upon our institutions of learning, our homes, our families, our commerce, our industry, our public service agencies, our recreational programs, and all persons who work to make these the best they can be for the common good. You give us each day as a gift, and we pray that we might prove to be responsible stewards of our time, and thankful children for all that You do for us as our loving Creator God. In Your holy name we pray. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

CO-AUTHOR OF SENATE BILL 906

On motion of Senator Johnson and by unanimous consent, Senator Lucio will be shown as Co-author of S.B. 906.

CO-AUTHOR OF SENATE BILL 1124

On motion of Senator Tejeda and by unanimous consent, Senator Zaffirini will be shown as Co-author of S.B. 1124.

MESSAGE FROM THE HOUSE

House Chamber
May 8, 1991

HONORABLE BOB BULLOCK
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 615, Relating to the lease of a state child care facility site.

S.B. 825, Relating to the creation of the offense of unlawfully carrying weapons at an airport. (As amended)

S.B. 843, Relating to the degree-granting authority of Lamar University at Port Arthur and Lamar University at Orange.

S.B. 239, Relating to the rate and use of a junior college branch maintenance tax.

S.B. 729, Relating to the consumer credit commissioner's publication and authorization of a market competitive rate ceiling.

S.B. 32, Relating to the hearing date for a suit affecting the parent-child relationship brought by a governmental entity.

S.B. 1290, Relating to a security interest in minerals, including oil and gas.

S.B. 1131, Relating to the governing board and powers of certain mass transit authorities.

H.B. 1560, Relating to liability regarding certain overpayments of unemployment compensation benefits.

H.B. 1725, Relating to the shipment of pipe in a pipe box over certain state roads.

H.B. 1984, Relating to reports of deaths of residents of nursing homes and related institutions.

H.B. 1421, Relating to the definition of hazardous waste for the purpose of fees imposed under the Solid Waste Disposal Act.

H.B. 2215, Relating to the lease of grazing rights or farming rights on state park lands.

H.B. 1485, Relating to authorization for the board of regents of The Texas A&M University System to grant a lease of surface area of the original main campus of Texas A&M University to the Texas A&M University Development Foundation.

H.B. 1976, Relating to cooperation among certain state agencies to correct deficiencies in personal care facilities.

H.B. 2103, Relating to authorizing the Rio Grande Compact Commissioner for Texas to negotiate with the Rio Grande Compact Commissioner for New Mexico to determine an appropriate share of local support matching funds to be paid by the state for the study, development, and construction of flood control and sediment control dams and for the rehabilitation of the Rio Grande floodway above the Elephant Butte Reservoir.

H.B. 2760, Relating to changing the name of the Martin County Underground Water Conservation District, the method of adding territory to the district, and membership on the district's board of directors.

H.B. 1351, Relating to the disposition of exhibits in a criminal case.

H.B. 1711, Relating to the deferral of proceedings in certain criminal cases involving misdemeanors punishable by fine only.

H.B. 2788, Relating to a continuance for religious holy days in a criminal or civil trial.

H.B. 1659, Relating to the acceptance of gifts and grants by the attorney general.

S.C.R. 122, Declaring the week of May 12-18, 1991, as Texas Law Officers Week and also designating May 13 as Law Officers Memorial Day.

H.B. 9, Relating to the waiver of a jury trial for a person charged with a capital offense and to the punishment, sentencing, and availability of parole for a person convicted of a capital offense.

H.B. 8, Relating to the doctrine of forum non conveniens in certain judicial proceedings.

H.B. 2817, Relating to the validation of certain actions of the Harris County Water Control and Improvement District No. 84.

H.B. 2465, Relating to the creation, administration, powers, duties, operation, and financing of the Montgomery County Municipal Utility District No. 85.

H.B. 2181, Relating to promotional examination grades of civil service police officers and fire fighters.

H.B. 2482, Relating to contributions for certain members of the Teacher Retirement System of Texas.

H.B. 2353, Relating to changing the name of the Texas Commission for the Deaf to the Texas Commission for the Deaf and Hearing Impaired.

H.B. 2214, Relating to the lease by the Parks and Wildlife Department of grazing or farming rights on game preserves, sanctuaries, or management areas.

H.B. 984, Relating to regulation of private process servers; providing penalties.

H.B. 1494, Relating to the issuance of specially designed license plates.

H.B. 1469, Relating to the preparation of a jury list in a criminal case.

H.B. 76, Relating to an exemption from regulation under the Private Investigators and Private Security Agencies Act for certain providers of medical alert services or electronic monitoring services.

H.B. 2399, Relating to the creation, administration, powers, duties, operation, and financing of the Montgomery County Municipal Utility District No. 86.

H.B. 2004, Relating to the licensing of rehabilitation facilities as special hospitals.

H.B. 2046, Relating to the taxation of semitrailers.

H.B. 864, Relating to the composition of the board of directors in certain appraisal districts.

H.B. 595, Relating to the impoundment of certain motor vehicles on failure to furnish evidence of financial responsibility after an accident.

H.B. 925, Relating to the practice of physical therapy.

H.B. 225, Relating to registration of certain motor vehicles.

H.B. 1838, Relating to the requirements for an expunction order.

H.B. 1762, Relating to state liability for indemnification of certain persons signing an industrial solid or hazardous waste manifest or similar record.

H.B. 2578, Relating to the retention by a county treasury of a certain percentage of funds collected under certain provisions of the Code of Criminal Procedure.

H.B. 1763, Relating to the acceptance of certain scrap metals by recycling activities and to the disposal of industrial solid wastes from shredding of motor vehicles and scrap metals.

H.B. 2223, Relating to the terms served by the members of the Texas Agricultural Finance Authority.

H.B. 2383, Relating to the creation, administration, powers, duties, operation, and financing of the Wood Trace Municipal Utility District No. 3 of Montgomery County.

H.B. 2505, Relating to the regulation of liquefied petroleum gas.

H.B. 1704, Relating to the practice of psychology.

H.B. 2252, Relating to the development of standards for interviewers in child abuse investigations.

H.B. 1290, Relating to authorizing certain counties to issue longevity pay to deputy constables.

H.B. 2322, Relating to the creation, administration, powers, duties, operation, and financing of the Wood Trace Municipal Utility District No. 1 of Montgomery County.

H.B. 2102, Relating to capital improvements for Corpus Christi State University, and authorizing the issuance of revenue bonds, subject to approval of the Texas Higher Education Coordinating Board.

H.B. 1901, Relating to governmental liability for the acts of certain contractors used by certain hospital districts.

H.B. 2556, Relating to the listing of employment openings in state agencies with the Texas Employment Commission.

H.B. 1495, Relating to the licensing and regulation of pharmacists and pharmacies.

H.B. 2793, Relating to the Midland County Hospital District.

H.B. 914, Relating to the competitive bidding requirements of governmental entities.

H.B. 1336, Relating to the oath and bond given by a personal representative in certain probate matters.

H.B. 1473, Relating to the regulation of savings and loan associations.

H.B. 2382, Relating to the creation, administration, powers, duties, operation, and financing of the Wood Trace Municipal Utility District No. 2 of Montgomery County.

H.B. 191, Relating to the rate of the sales and use tax a hospital district may impose.

H.B. 319, Relating to the areas of operation of certain foreign motor carriers operating in this state.

H.B. 501, Relating to the calculation of the official grade point average of a student enrolled in a public institution of higher education.

H.B. 1771, Relating to the issuance of permits to take wildlife for propagation, zoological, rehabilitation, or scientific purposes.

H.B. 2361, Relating to regulatory assessments collected by a public utility or water supply or sewer service corporation from its retail customers.

H.B. 456, Relating to the creation, administration, powers, duties, operations, financing, and organization of the Gaines County Solid Waste Disposal District; granting the power of eminent domain and the authority to issue bonds; authorizing a tax.

H.B. 1986, Relating to the imposition of fees on generators of industrial solid waste and hazardous waste and on applicants for permits for, and operators of, waste storage, processing, and disposal facilities.

H.B. 703, Relating to the processing fee charged by the holder of a dishonored check.

H.B. 2694, Relating to easements granted by the Board of Criminal Justice.

Respectfully submitted,

BETTY MURRAY, Chief Clerk
House of Representatives

BILLS AND RESOLUTION SIGNED

The President announced the signing in the presence of the Senate, after the captions had been read, the following enrolled bills and resolution:

S.C.R. 119

S.B. 604

S.B. 755

S.B. 1343

REPORTS OF STANDING COMMITTEES

Senator Lyon submitted the following report for the Committee on Criminal Justice:

H.B. 355

H.B. 944

S.B. 1083

C.S.S.B. 1387

C.S.S.B. 912

Senator Brooks submitted the following report for the Committee on Health and Human Services:

H.C.R. 82

H.B. 1873

H.B. 69

Senator Moncrief, Acting Chair, submitted the following report for the Committee on Health and Human Services:

S.B. 1556

Senator Brooks submitted the following report for the Committee on Health and Human Services:

C.S.S.B. 1341

C.S.S.B. 971

C.S.S.B. 699

Senator Zaffirini, Acting Chair, submitted the following report for the Committee on Health and Human Services:

C.S.H.B. 817

Senator Brooks submitted the following report for the Committee on Health and Human Services:

C.S.H.B. 396

C.S.S.B. 1446

C.S.S.B. 1406

Senator Dickson submitted the following report for the Committee on Economic Development:

C.S.S.B. 1020

Senator Green submitted the following report for the Committee on Jurisprudence:

C.S.S.B. 827

Senator Whitmire submitted the following report for the Committee on Intergovernmental Relations:

S.B. 1552

S.B. 1133

H.B. 219

H.B. 1340

H.B. 1882

H.B. 2063

S.B. 1257

H.B. 338

C.S.S.B. 511

C.S.S.B. 1545

C.S.S.J.R. 45

Senator Glasgow submitted the following report for the Committee on State Affairs:

H.B. 509

H.B. 233

C.S.S.B. 1204

C.S.S.B. 1569

Senator Parker submitted the following report for the Committee on Education:

C.S.S.B. 1212

Senator Barrientos submitted the following report for the Committee on Nominations:

We, your Committee on Nominations, to which were referred the following appointments, have had same under consideration and report them back to the Senate with the recommendation that they be confirmed.

To be Members of the BOARD OF DIRECTORS, TEXAS HOUSING AGENCY: Paul R. Rodriguez, Hidalgo County; Donald W. Sowell, Waller County.

To be JUDGE OF THE 190TH JUDICIAL DISTRICT COURT, HARRIS COUNTY: Ms. Eileen Frances O'Neill, Harris County.

SENATE BILL ON FIRST READING

On motion of Senator Brooks and by unanimous consent, the following bill was introduced, read first time and referred to the Committee indicated:

S.B. 1576 by Brooks State Affairs
Relating to conveyances by deed of interests in real property.

HOUSE RESOLUTION ON FIRST READING

The following resolution received from the House was read the first time and referred to the Committee indicated:

H.C.R. 197, To Committee on Administration.

HOUSE BILL 46 ON SECOND READING

On motion of Senator Lyon and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 46, Relating to the regulation of currency exchange or transmission businesses; providing penalties.

The bill was read second time and was passed to third reading by a viva voce vote.

HOUSE BILL 46 ON THIRD READING

Senator Lyon moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **H.B. 46** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

PRESIDENT RECUSED

The President of the Senate recused himself during the consideration of **H.B. 70**. Senator Glasgow occupied the Chair.

HOUSE BILL 70 ON SECOND READING

On motion of Senator Whitmire and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 70, Relating to the dismissal of certain misdemeanor charges upon completion of a driving safety course and to the collection and disposition of certain costs on conviction of certain traffic offenses.

The bill was read second time and was passed to third reading by a viva voce vote.

HOUSE BILL 70 ON THIRD READING

Senator Whitmire moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **H.B. 70** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
HOUSE BILL 916 ON SECOND READING**

On motion of Senator Ratliff and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C.S.H.B. 916, Relating to the sales and use tax municipalities may levy for the benefit of certain industrial development corporations and for the reduction of property taxes.

The bill was read second time.

Senator Ratliff offered the following amendment to the bill:

Amend **C.S.H.B. 916** as follows:

Insert the following new section where appropriate and renumber the following sections:

"SECTION____. The Texas Enterprise Zone Act (Article 5190.7, Vernon's Texas Civil Statutes) is amended by adding Section 25 to read as follows:

Sec. 25. **INDUSTRIAL DEVELOPMENT CORPORATION FOR ENTERPRISE ZONE USE.** (a) The governing body of a municipality that nominated an enterprise zone designated by the department may create an industrial development corporation under the Development Corporation Act of 1979 (Article 5109.6, Vernon's Texas Civil Statutes) for use by the enterprise zone. The corporation has the powers and is subject to the limitations of a corporation created under the Development Corporation Act. To the extent of a conflict between this section and the Development Corporation Act, the act prevails. The articles of incorporation of a corporation created under this section must state that the corporation is governed by this section. (b) The governing body of the municipality that creates the industrial development corporation shall appoint the board of directors of the corporation."

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Ratliff and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading by a viva voce vote.

**COMMITTEE SUBSTITUTE
HOUSE BILL 916 ON THIRD READING**

Senator Ratliff moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **C.S.H.B. 916** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Truan.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
HOUSE BILL 961 ON SECOND READING**

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C.S.H.B. 961, Relating to the Children's Trust Fund of Texas Council.

The bill was read second time and was passed to third reading by a viva voce vote.

**COMMITTEE SUBSTITUTE
HOUSE BILL 961 ON THIRD READING**

Senator Brooks moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **C.S.H.B. 961** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

(President in Chair)

**COMMITTEE SUBSTITUTE
HOUSE BILL 1128 ON SECOND READING**

On motion of Senator Harris of Tarrant and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C.S.H.B. 1128, Relating to criminal background checks for child watch programs.

The bill was read second time and was passed to third reading by a viva voce vote.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1128 ON THIRD READING**

Senator Harris of Tarrant moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **C.S.H.B. 1128** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

CAPITOL PHYSICIAN

Senator Barrientos was recognized and presented Dr. Charles Anderson of San Marcos.

The Senate welcomed Dr. Anderson, a participant in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians, and expressed appreciation for his contributions today.

HOUSE BILL 991 ON SECOND READING

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 991, Relating to the appointment, powers, and duties of a local health authority.

The bill was read second time and was passed to third reading by a viva voce vote.

HOUSE BILL 991 ON THIRD READING

Senator Lucio moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **H.B. 991** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
HOUSE BILL 30 ON SECOND READING**

On motion of Senator Brown and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C.S.H.B. 30, Relating to exempting from ad valorem taxation certain property of organizations of members or veterans of the armed forces.

The bill was read second time and was passed to third reading by a viva voce vote.

**COMMITTEE SUBSTITUTE
HOUSE BILL 30 ON THIRD READING**

Senator Brown moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **C.S.H.B. 30** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

HOUSE BILL 1135 ON SECOND READING

On motion of Senator Truan and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 1135, Relating to the transfer of administration of beach cleaning funds from the Parks and Wildlife Department to the General Land Office.

The bill was read second time and was passed to third reading by a viva voce vote.

HOUSE BILL 1135 ON THIRD READING

Senator Truan moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **H.B. 1135** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1847 ON SECOND READING**

On motion of Senator Armbrister and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C.S.H.B. 1847, Relating to an alternative to furnishing a bond by certain alcoholic beverage licensees.

The bill was read second time and was passed to third reading by a viva voce vote.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1847 ON THIRD READING**

Senator Armbrister moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **C.S.H.B. 1847** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate the following enrolled resolutions:

**H.C.R. 202
H.C.R. 220
H.C.R. 222**

HOUSE BILL 1694 ON SECOND READING

On motion of Senator Carriker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 1694, Relating to certain agreements between suppliers and dealers selling certain farm, industrial, and outdoor power equipment.

The bill was read second time and was passed to third reading by a viva voce vote.

HOUSE BILL 1694 ON THIRD READING

Senator Carriker moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **H.B. 1694** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1444 ON SECOND READING**

Senator Armbrister asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

C.S.H.B. 1444, Relating to the treatment, storage, or disposal in this state of hazardous waste generated in a foreign country.

There was objection.

Senator Armbrister then moved to suspend the regular order of business and take up **C.S.H.B. 1444** for consideration at this time.

The motion prevailed by the following vote: Yeas 21, Nays 3.

Yeas: Armbrister, Barrientos, Bivins, Brooks, Brown, Haley, Harris of Tarrant, Henderson, Johnson, Krier, Leedom, Lucio, Lyon, Moncrief, Montford, Parker, Rosson, Sims, Tejeda, Whitmire, Zaffirini.

Nays: Carriker, Green, Truan.

Absent: Dickson, Ellis, Glasgow, Harris of Dallas, Ratliff, Sibley, Turner.

The bill was read second time and was passed to third reading by a viva voce vote.

RECORD OF VOTE

Senator Truan asked to be recorded as voting "Nay" on the passage of the bill to third reading.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1444 ON THIRD READING**

Senator Armbrister moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **C.S.H.B. 1444** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Carriker.

The bill was read third time and was passed by a viva voce vote.

RECORD OF VOTE

Senator Truan asked to be recorded as voting "Nay" on the final passage of the bill.

GUEST PRESENTED

The President acknowledged the presence of Chief Justice of the Court of Appeals of Waco, Robert Thomas, former member of the House of Representatives.

The Senate welcomed Chief Justice Thomas.

GUESTS PRESENTED

Senator Haley was recognized and introduced the Henderson Lady Lions Golf Team: Shela Norris, Holly Hunt, Leisha Smith, Stephanie Parker and Julie Robertson, and their coaches, Greg Gooding and Lindsay Smith.

The Senate welcomed these guests.

HOUSE BILL 277 ON SECOND READING

Senator Montford moved to suspend the regular order of business to take up for consideration at this time:

H.B. 277, Relating to the courses and degrees offered at The University of Texas of the Permian Basin.

The motion prevailed by the following vote: Yeas 24, Nays 3.

Yeas: Armbrister, Barrientos, Brooks, Carriker, Ellis, Glasgow, Green, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Johnson, Krier, Leedom, Lucio, Lyon, Moncrief, Montford, Parker, Rosson, Tejeda, Truan, Whitmire, Zaffirini.

Nays: Bivins, Brown, Sims.

Absent: Dickson, Ratliff, Sibley, Turner.

The bill was read second time.

Senator Montford offered the following committee amendment to the bill:

Amend **H.B. 277**, Section 1, on page 1 by striking Sec. 72.01 on line 7 and substituting the following:

Sec. 72.01. ESTABLISHMENT. (a) The Board of Regents of the University of Texas System shall establish and maintain a fully state-supported coeducational institution of higher education to be known as The University of Texas of the Permian Basin and to be ~~[-The institution is]~~ organized to teach ~~undergraduate- only junior, senior, and graduate-level courses but the Board of Regents may establish The University of Texas of the Permian Basin as a general academic teaching institution, as defined by Section 61.003 of this code, offering a standard four-year undergraduate program [approved by the Coordinating Board, Texas College and University System].~~

(b) The Board of Regents, in conjunction with the administration of the University of Texas of the Permian Basin, shall submit statistical data to the governor's office reflective of student enrollment for each of the first four years of enrollment after the commencement of freshman and sophomore classes. The report will be due the first year after commencement of four year programs and each year thereafter for a period of four years.

The committee amendment was read.

On motion of Senator Montford and by unanimous consent, the committee amendment was tabled by a viva voce vote.

Senator Bivins offered the following amendment to the bill:

Amend **H.B. 277** as follows:

On line 30 following the word "program", insert the following:

"approved by the Coordinating Board, Texas College and University System.

The amendment was read.

On motion of Senator Montford, the amendment was tabled by the following vote: Yeas 24, Nays 5.

Yeas: Armbrister, Barrientos, Brooks, Carriker, Dickson, Ellis, Glasgow, Green, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Johnson, Lucio, Lyon, Moncrief, Montford, Parker, Ratliff, Rosson, Tejeda, Truan, Whitmire, Zaffirini.

Nays: Bivins, Brown, Krier, Leedom, Sims.

Absent: Sibley, Turner.

The bill was passed to third reading by a viva voce vote.

HOUSE BILL 277 ON THIRD READING

Senator Montford moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that H.B. 277 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 3.

Yeas: Armbrister, Barrientos, Brooks, Carriker, Dickson, Ellis, Glasgow, Green, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Johnson, Krier, Leedom, Lucio, Lyon, Moncrief, Montford, Parker, Ratliff, Rosson, Tejeda, Truan, Turner, Whitmire, Zaffirini.

Nays: Bivins, Brown, Sims.

Absent: Sibley.

The bill was read third time and was passed by a viva voce vote.

RECORD OF VOTES

Senators Bivins, Brown and Sims asked to be recorded as voting "Nay" on the final passage of the bill.

GUESTS PRESENTED

Senator Moncrief was recognized and introduced Texas History class students from Stripling Middle School of Fort Worth and their teachers, Starla Langston and Susy Rowe.

The Senate welcomed these guests.

(Senator Brooks in Chair)

GUESTS PRESENTED

Senator Krier was recognized and introduced students from the Alamo Heights High School of San Antonio.

The Senate welcomed these guests.

(President in Chair)

COMMITTEE SUBSTITUTE

SENATE BILL 566 ON SECOND READING

On motion of Senator Ellis and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 566, Relating to the regulation of the practice of chiropractic.

The bill was read second time.

Senator Ellis offered the following amendment to the bill:

Amend **C.S.S.B. 566** as follows:

(1) In Section 2, Section 5a, (Committee Printing page 1, line 46-47), delete the following language:

The Board by rule may define acts or procedures that constitute the unauthorized practice of chiropractic.

(2) In Section 6, Section 14a, Subdivision 12, (Committee Printing page 3, line 34-35) by deleting the following language:

, or otherwise assisting in the unauthorized practice of chiropractic

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Ellis and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 566 ON THIRD READING

Senator Ellis moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.B. 566 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

(Senator Carriker in Chair)

SENATE BILL 906 ON SECOND READING

Senator Johnson asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

S.B. 906, Relating to sick leave for public school employees.

There was objection.

Senator Johnson then moved to suspend the regular order of business and take up **S.B. 906** for consideration at this time.

The motion prevailed by the following vote: Yeas 21, Nays 5.

Yeas: Armbrister, Barrientos, Brooks, Carriker, Dickson, Ellis, Haley, Henderson, Johnson, Krier, Lucio, Lyon, Moncrief, Montford, Parker, Ratliff, Rosson, Tejada, Truan, Whitmire, Zaffirini.

Nays: Bivins, Brown, Harris of Tarrant, Harris of Dallas, Leedom.

Absent: Glasgow, Green, Sibley, Sims, Turner.

The bill was read second time and was passed to engrossment by a viva voce vote.

RECORD OF VOTES

Senators Bivins, Brown, Harris of Dallas, Harris of Tarrant and Leedom asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 906 ON THIRD READING

Senator Johnson moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **S.B. 906** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 23, Nays 4.

Yeas: Armbrister, Barrientos, Brooks, Carriker, Dickson, Ellis, Green, Haley, Henderson, Johnson, Krier, Lucio, Lyon, Moncrief, Montford, Parker, Ratliff, Rosson, Sibley, Tejeda, Truan, Whitmire, Zaffirini.

Nays: Bivins, Brown, Harris of Tarrant, Leedom.

Absent: Glasgow, Harris of Dallas, Sims, Turner.

The bill was read third time and was passed by a viva voce vote.

RECORD OF VOTES

Senators Bivins, Brown, Harris of Dallas, Harris of Tarrant and Leedom asked to be recorded as voting "Nay" on the final passage of the bill.

COMMITTEE SUBSTITUTE SENATE BILL 1097 ON SECOND READING

Senator Lucio asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 1097, Relating to procedures governing the determination of certain utility proceedings.

There was objection.

Senator Lucio then moved to suspend the regular order of business and take up **C.S.S.B. 1097** for consideration at this time.

The motion prevailed by the following vote: Yeas 19, Nays 4.

Yeas: Armbrister, Bivins, Brooks, Brown, Carriker, Dickson, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Krier, Leedom, Lucio, Moncrief, Ratliff, Sibley, Tejeda, Whitmire, Zaffirini.

Nays: Barrientos, Henderson, Rosson, Truan.

Absent: Glasgow, Green, Johnson, Lyon, Montford, Parker, Sims, Turner.

The bill was read second time and was passed to engrossment by a viva voce vote.

RECORD OF VOTES

Senators Barrientos, Rosson and Truan asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

(President in Chair)

COMMITTEE SUBSTITUTE SENATE BILL 1097 ON THIRD READING

Senator Lucio moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1097** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 3.

Yeas: Armbrister, Bivins, Brooks, Brown, Carriker, Dickson, Ellis, Green, Haley, Harris of Tarrant, Henderson, Krier, Leedom, Lucio, Moncrief, Montford, Parker, Ratliff, Sibley, Sims, Tejeda, Turner, Whitmire, Zaffirini.

Nays: Barrientos, Rosson, Truan.

Absent: Glasgow, Harris of Dallas, Johnson, Lyon.

The bill was read third time and was passed by the following vote: Yeas 24, Nays 4.

Yeas: Armbrister, Bivins, Brooks, Brown, Carriker, Dickson, Ellis, Green, Haley, Harris of Tarrant, Harris of Dallas, Krier, Leedom, Lucio, Moncrief, Montford, Parker, Ratliff, Sibley, Sims, Tejeda, Turner, Whitmire, Zaffirini.

Nays: Barrientos, Henderson, Rosson, Truan.

Absent: Glasgow, Johnson, Lyon.

MESSAGE FROM THE HOUSE

House Chamber
May 8, 1991

HONORABLE BOB BULLOCK
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

The House has concurred in Senate amendments to **H.B. 79** by a non-record vote.

The House has concurred in Senate amendments to **H.B. 202** by a non-record vote.

The House has concurred in Senate amendments to **H.B. 550** by a non-record vote.

The House has refused to concur in Senate amendments to **H.B. 393**, and has requested the appointment of a Conference Committee to consider the differences between the two Houses. The following have been appointed on the part of the House: Junell, Chair; Hilderbran, Fraser, Black and P. Gallego.

The House has refused to concur in Senate amendments to **H.B. 640**, and has requested the appointment of a Conference Committee to consider the differences between the two Houses. The following have been appointed on the part of the House: Counts, Chair; R. Cuellar, Haggerty, Martin and Oliveira.

The House has refused to concur in Senate amendments to **H.B. 1050**, and has requested the appointment of a Conference Committee to consider the differences between the two Houses. The following have been appointed on the part of the House: Granoff, Chair; Naishtat, Oakley, Hightower and Oliveira.

Respectfully submitted,

BETTY MURRAY, Chief Clerk
House of Representatives

GUESTS PRESENTED

Senator Tejeda was recognized and introduced a group of seventh grade students from Holy Name School of San Antonio.

The Senate welcomed these guests.

GUESTS PRESENTED

Senator Ellis was recognized and introduced a group of students from the Gulfcrest Elementary School of Houston.

The Senate welcomed these guests.

GUESTS PRESENTED

Senator Turner was recognized and introduced a group of constituents from Milam County, who are here today in celebration of "Milam County Day" at the Capitol.

The Senate welcomed these guests.

**COMMITTEE SUBSTITUTE
SENATE BILL 1033 ON SECOND READING**

On motion of Senator Bivins and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1033, Relating to the investment of certain state funds in crude oil futures contracts.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1033 ON THIRD READING**

Senator Bivins moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1033** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Leedom.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

SENATE BILL 1009 ON SECOND READING

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1009, Relating to newly constructed apartments, condominium projects, mobile home parks, and multiple use facilities.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 1009 ON THIRD READING

Senator Barrientos moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **S.B. 1009** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1124 ON SECOND READING

On motion of Senator Tejeda and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1124, Relating to benefits based on line-of-duty deaths of members of certain public retirement systems.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 1124 ON THIRD READING

Senator Tejeda moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **S.B. 1124** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1159 ON SECOND READING

On motion of Senator Henderson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1159, Relating to liability of subscribers and shareholders of Texas business corporations.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 1159 ON THIRD READING

Senator Henderson moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **S.B. 1159** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1497 ON SECOND READING**

On motion of Senator Turner and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1497, Relating to the licensing and regulation of pharmacists and pharmacies; providing a criminal penalty.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1497 ON THIRD READING**

Senator Turner moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1497** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

MESSAGE FROM THE HOUSE

House Chamber
May 8, 1991

HONORABLE BOB BULLOCK
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 993, Relating to contributions of and benefits for certain members of municipal retirement systems for fire fighters. (As amended)

S.B. 64, Relating to the offense of failure to identify oneself to a peace officer. (As substituted and amended)

Respectfully submitted,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE BILL 1433 ON SECOND READING

On motion of Senator Turner and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1433, Relating to the notice required for meetings of certain state boards, commissions, and other agencies.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 1433 ON THIRD READING

Senator Turner moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **S.B. 1433** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

COMMITTEE SUBSTITUTE

SENATE BILL 1370 ON SECOND READING

On motion of Senator Dickson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1370, Relating to the rights of citizens to be allowed to die by natural means.

The bill was read second time and was passed to engrossment by a viva voce vote.

RECORD OF VOTES

Senators Sibley, Leedom, Truan and Harris of Tarrant asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

RECORD OF VOTE

Senator Moncrief asked to be recorded as voting "Present-not voting" on the passage of the bill to engrossment.

(Senator Ratliff in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 1370 ON THIRD READING**

Senator Dickson moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 1370 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 21, Nays 4, Present-not voting 1.

Yeas: Armbrister, Barrientos, Bivins, Brooks, Brown, Carriker, Dickson, Ellis, Glasgow, Green, Haley, Henderson, Johnson, Krier, Montford, Ratliff, Rosson, Sims, Tejeda, Whitmire, Zaffirini.

Nays: Harris of Tarrant, Leedom, Sibley, Truan.

Present-not voting: Moncrief.

Absent: Harris of Dallas, Lucio, Lyon, Parker, Turner.

The bill was read third time and was passed by a viva voce vote.

RECORD OF VOTES

Senators Sibley, Leedom, Truan and Harris of Tarrant asked to be recorded as voting "Nay" on the final passage of the bill.

RECORD OF VOTE

Senator Moncrief asked to be recorded as voting "Present-not voting" on the final passage of the bill.

**COMMITTEE SUBSTITUTE
SENATE BILL 383 ON SECOND READING**

On motion of Senator Carriker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 383, Relating to consolidating the functions of the Commission on Fire Protection Personnel Standards and Education and the Fire Department Emergency Board, together with certain new powers and duties, into a newly created Texas Commission on Fire Protection; transferring certain duties related to fire protection, including oversight of the state fire marshal, from the State Board of Insurance to the Texas Commission on Fire Protection; providing penalties.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 383 ON THIRD READING**

Senator Carriker moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 383 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

(President in Chair)

SENATE BILL 780 ON SECOND READING

Senator Green asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

S.B. 780, Relating to the issuance of a license to carry a concealed handgun; providing penalties.

There was objection.

Senator Green then moved to suspend the regular order of business and take up **S.B. 780** for consideration at this time.

The motion prevailed by the following vote: Yeas 20, Nays 6.

Yeas: Armbrister, Bivins, Brooks, Brown, Carriker, Glasgow, Green, Haley, Harris of Tarrant, Krier, Moncrief, Montford, Ratliff, Rosson, Sibley, Sims, Tejeda, Turner, Whitmire, Zaffirini.

Nays: Barrientos, Ellis, Johnson, Leedom, Parker, Truan.

Absent: Dickson, Harris of Dallas, Henderson, Lucio, Lyon.

The bill was read second time.

Senator Haley offered the following amendment to the bill:

Floor Amendment No. 1

Amend **S.B. 780** as follows:

On line 23, page 2, of the committee report replace 'three' with 'five'

On line 47, page 6, of the committee report replace 'C' with 'B'

On line 57, page 6, of the committee report replace 'c' with 'A'

The amendment was read and was adopted by a viva voce vote.

Senator Krier offered the following amendment to the bill:

Floor Amendment No. 2

Amend **S.B. 780** as follows:

(1) In Section 1 of the bill, strike Subdivision (11) of Section 1 of Article 4413(29ee) and renumber Subdivisions (12) and (13) accordingly.

(2) Strike the word "secretary" everywhere it appears in the bill and substitute the word "director".

(3) In Section 1 of the bill, in Section 3 of Article 4413(29ee), in the first sentence, strike the words "the department, or a local law enforcement officer".

(4) In Section 1 of the bill, in Section 4 of Article 4413(29ee), in Subdivision (a)(6), strike "a \$100 nonrefundable license fee" and substitute "a nonrefundable license fee paid to the department".

(5) In Section 1 of the bill, in Section 4 of Article 4413(29ee), in Subdivision (a)(7), strike "a \$50 nonrefundable application fee paid to the agency that accepts the application" and substitute "a nonrefundable application fee paid to the department".

(6) In Section 1 of the bill, in Section 5 of Article 4413(29ee), strike Subsection (a) and substitute the following:

“(a) A person applying for a license to carry a concealed handgun must apply in person to the highest-ranking officer of the department stationed in the county in which the applicant resides or the officer’s designee.”

(7) In Section 1 of the bill, in Sections 5 and 6 of Article 4413(29ee), strike the word “official” everywhere it appears in the sections, except for the second time it appears in the first sentence of Section 5(d), and substitute the word “officer”.

(8) In Section 1 of the bill, in Section 6 of Article 4413(29ee), in Subsection (a), in the second sentence, strike “or law enforcement agency involved in the administration of this article”.

(9) In Section 1 of the bill, in Section 6 of Article 4413(29ee), in Subsection (a), in the last sentence, strike “or law enforcement agency”.

(10) In Section 1 of the bill, in Section 7 of Article 4413(29ee), in Subsection (c), in the second sentence, strike “of state”.

(11) In Section 1 of the bill, in Section 8(c) of Article 4413(29ee), in the first sentence, strike “fee of \$15” and substitute “sticker or certificate fee”.

(12) In Section 1 of the bill, in Section 10(a) of Article 4413(29ee), strike “fee of \$100” and substitute “renewal fee”.

(13) In Section 1 of the bill, add new Sections 18 and 19 to read as follows:
Sec. 18. RULES; FEES. The Public Safety Commission shall adopt rules to administer this article and shall adopt fees in each instance in which fees are authorized under this article in amounts sufficient for the department to recover the costs of administering this article.

Sec. 19. FUNDS. The department shall forward the fees collected under this article to the comptroller of public accounts. The fees shall be deposited to the credit of an account in the general revenue fund to be known as the concealed handgun permit account. The legislature may appropriate funds from the account only for the purpose of paying the costs of the department in implementing this article. At the end of each fiscal year, the comptroller shall transfer the excess funds in the account to the general revenue fund.

(14) In Section 3 of the bill, in the last sentence, strike “of state”, and substitute “of the Department of Public Safety”.

The amendment was read and was adopted by a viva voce vote.

Senator Turner offered the following amendment to the bill:

Floor Amendment No. 3

Amend S.B. 780 by adding on page 2, line 18 after the word “commission” and before the words “of a felony under an information or indictment” the following:

“of a Class A or Class B misdemeanor or”

The amendment was read and was adopted by a viva voce vote.

Senator Turner offered the following amendment to the bill:

Floor Amendment No. 4

Amend S.B. 780 on page 2, line 24 deleting the words “a felony or”.

The amendment was read and was adopted by a viva voce vote.

Senator Barrientos offered the following amendment to the bill:

Floor Amendment No. 5

Amend S.B. 780 by:

(1) Deleting “\$100” on page 2, line 46, and on page 5, line 7, and substituting “\$1000”

(2) Deleting "\$50" on page 2, line 47, and substituting "\$500"

The amendment was read.

On motion of Senator Green, the amendment was tabled by the following vote:
Yeas 21, Nays 7.

Yeas: Armbrister, Bivins, Brooks, Brown, Dickson, Glasgow, Green, Haley, Harris of Tarrant, Johnson, Krier, Moncrief, Montford, Ratliff, Rosson, Sibley, Sims, Tejeda, Turner, Whitmire, Zaffirini.

Nays: Barrientos, Carriker, Ellis, Henderson, Leedom, Parker, Truan.

Absent: Harris of Dallas, Lucio, Lyon.

Senator Barrientos offered the following amendment to the bill:

Floor Amendment No. 6

Amend S.B. 780 by:

(1) adding a new subsection (9) after line 50, page 2, to read as follows, and renumbering remaining sections appropriately:

(9) proof that the applicant is not chemically dependent on the basis of an independently administered test that conforms to rules promulgated by the Secretary. The applicant shall be responsible for the costs of such tests.

(2) inserting subsection (c) after line 14, page 5, to read as follows, and relettering the remaining sections appropriately:

(c) The secretary shall require license holders who submit an application for renewal to provide proof that they are not chemically dependent, based on an independently administered tests that conform to rules promulgated by the secretary. The applicant shall be responsible for the costs of such tests. The secretary shall also adopt rules to require random testing for chemical dependence or use by any person licensed under this Act. Failure to submit to testing for chemical dependency shall result in immediate and permanent revocation of a license issued under this Act.

The amendment was read.

On motion of Senator Green, the amendment was tabled by the following vote:
Yeas 18, Nays 11.

Yeas: Armbrister, Bivins, Brooks, Brown, Carriker, Green, Haley, Harris of Tarrant, Harris of Dallas, Johnson, Krier, Montford, Ratliff, Sibley, Sims, Tejeda, Whitmire, Zaffirini.

Nays: Barrientos, Dickson, Ellis, Glasgow, Henderson, Leedom, Moncrief, Parker, Rosson, Truan, Turner.

Absent: Lucio, Lyon.

On motion of Senator Green and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**MOTION TO PLACE
SENATE BILL 780 ON THIRD READING**

Senator Green moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that S.B. 780 be placed on its third reading and final passage.

The motion was lost by the following vote: Yeas 23, Nays 6. (Not receiving four-fifths vote of Members present)

Yeas: Armbrister, Bivins, Brooks, Brown, Carriker, Dickson, Glasgow, Green, Haley, Harris of Tarrant, Harris of Dallas, Johnson, Krier, Moncrief, Montford, Ratliff, Rosson, Sibley, Sims, Tejeda, Turner, Whitmire, Zaffirini.

Nays: Barrientos, Ellis, Henderson, Leedom, Parker, Truan.

Absent: Lucio, Lyon.

MESSAGE FROM THE HOUSE

House Chamber
May 8, 1991

HONORABLE BOB BULLOCK
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 406, Relating to legislative leave for peace officers and fire fighters. (As substituted and amended)

Respectfully submitted,

BETTY MURRAY, Chief Clerk
House of Representatives

HOUSE BILL 2699 REREFERRED

On motion of Senator Glasgow and by unanimous consent, H.B. 2699 was withdrawn from the Committee of the Whole Senate and rereferred to the Committee on State Affairs.

SENATE RULE 11.11 SUSPENDED

On motion of Senator Glasgow and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on State Affairs might consider H.B. 2699 today.

SENATE RULE 11.11 SUSPENDED

On motion of Senator Dickson and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Economic Development might consider the following bills today:

S.B. 389

H.B. 2049**H.B. 452****S.B. 375****SENATE RULE 11.11 SUSPENDED**

On motion of Senator Sims and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Natural Resources might consider **S.B. 1574** today.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Barrientos gave notice that he would tomorrow at the conclusion of Morning Call submit to the Senate for consideration nominations to agencies, boards and commissions of the State.

HOUSE BILL ON FIRST READING

The following bill received from the House was read the first time and referred to the Committee indicated:

H.B. 1725, To Committee on Economic Development.

MEMORIAL RESOLUTIONS

S.R. 692 - By Dickson: In memory of Shelley V. Smith.

S.R. 693 - By Rosson: In memory of Arturo Islas of El Paso.

CONGRATULATORY RESOLUTIONS

H.C.R. 223 - (Turner): Designating the week of May 12-18, 1991, as Emergency Medical Services Week in Texas.

S.R. 690 - By Parker: Commending the grandmothers and grandfathers who have participated in the South East Texas Foster Grandparent Program.

S.R. 691 - By Tejeda: Recognizing Vestal Elementary School of the Harlandale Independent School District on the grand occasion of its 25th anniversary.

S.R. 694 - By Turner: Declaring May 8, 1991, as "Milam County Day" at the Capitol.

S.R. 695 - By Johnson: Commending and congratulating the Business and Professional Women's Club of Dallas, Incorporated, on its 75th anniversary.

S.R. 696 - By Sibley: Recognizing Cercon of Hillsboro for winning the General Dynamics, Fort Worth Award for Outstanding General Material Supplier for the second, third and fourth quarters of 1990 and for the year 1990.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 12:48 p.m. adjourned until 10:00 a.m. tomorrow.

APPENDIX

Sent to Governor
(May 8, 1991)

S.C.R. 119**S.B. 299****S.B. 516**

S.B. 604
S.B. 755
S.B. 1343

**In Memory
of
Richard R. "Toby" Tarver**

Senator Lucio offered the following resolution:

(Senate Resolution 686)

WHEREAS, The death of Richard R. "Toby" Tarver on April 30, 1991, at the age of 54, is a great loss to his many friends and relatives, and the community of communications workers he served so well; and

WHEREAS, Born in Stephenville on August 28, 1936, he began his rewarding and successful career in the communications field in 1957 as a communications technician with Southwestern Bell Telephone in Harlingen; early in his career he joined the Communications Workers of America (CWA) and went on to serve on several labor-related committees, including the CWA Committee of the Future, Common Interest Forum and committees addressing participative management and the quality of work life; and

WHEREAS, An articulate spokesman for the concerns of his coworkers, Mr. Tarver ably served as president of the CWA Local 6229 in Harlingen for approximately 22 years and represented the union as a delegate to the AFL-CIO national convention and the CWA District 6 caucus; and

WHEREAS, Extremely knowledgeable in the areas of labor law and workers' rights, he skillfully represented union members in grievance procedures and negotiations to improve workers' conditions and salaries; and

WHEREAS, A highly respected labor leader throughout the state, Mr. Tarver also served as vice-president of the Texas AFL-CIO and was an instrumental figure in the establishment of its maquiladora task force, serving as vice-chairman; and

WHEREAS, He was chairman of the Rio Grande Valley Central Labor Council Legislative Committee and vice-president of the Texas Political and Legislative Committee's South Texas division; he also contributed his valuable insight as a member of the executive board of the Cameron County Private Industry Council; and

WHEREAS, A resident of San Benito for 36 years, Mr. Tarver was extremely dedicated to his community; he was a member of the San Benito Volunteer Fire Department for 20 years and served as chairman of Precinct 50; and

WHEREAS, A deeply religious man, he received spiritual strength as a devout member of the First Christian Church in San Benito; and

WHEREAS, Mr. Tarver gave freely of his time and energy to improve the living and working conditions of his fellow employees; although he will be deeply missed, his unique spirit will surely live on in the hearts and minds of the many people whose lives he touched; now, therefore, be it

RESOLVED, That the Senate of the 72nd Texas Legislature hereby pay tribute to the life of Richard R. "Toby" Tarver and extend sympathy to the members of his family: to his wife, Mary Tarver, and to his son, Terry Tarver, both of San Benito; to his daughter, Christie Mills of Corpus Christi; to his mother, Mrs. Mattie Tarver of Gorman; to his two brothers, Sam D. Tarver, Jr., of Gorman and Robert L. Tarver of Pecos, New Mexico; to his two sisters, Mary Ellen Kennedy of San Benito and Louise Parsons of Prescott,

Arizona; to his five grandchildren; to his many nieces and nephews; and to the other members of his family; and, be it further

RESOLVED, That official copies of this resolution be prepared for the members of his family and that when the Texas Senate adjourns this day, it do so in memory of Richard R. "Toby" Tarver.

The resolution was read.

On motion of Senator Brooks and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Lucio and by unanimous consent, the resolution was adopted by a rising vote of the Senate.